

REMARKS

Claims 1-14 remain pending in this application.

The spring feature added to Claim 1 is supported by the specification at page 5, lines 3-6; and page 6, lines 5-17.

Applicant contends that the combined teachings of the cited prior art references do not result in or suggest the invention as claimed. Further, the differences between the invention and the cited references were arrived at through inventive skill that exceeds the level of ordinary skill present in the media storage device industry. With regard to the Examiner's rejection of Claim 1 for obviousness, the combination of the cited references do not result in the invention as claimed, nor do the cited references teach their combination because that combination causes an unwanted increase in bulk.

The toggling mechanism of Brown (U.S. Patent No. 4,121,877) involves hinged levers (20) extending outwardly from below a front wall (28) forming part of the storage compartments. As stated in Brown (Col. 4, lines 5-19) the user extracts a cassette box (14) from the case by actuating the lever which falls back to its initial position after the container is removed. Nowhere does Brown suggest the use of a spring in its lever system. Further, the lever is at rest with its rear end portion in the downward position. Were one able to move the cassette box independently, the lever would not be actuated by that movement. Accordingly, the invention as claimed by Claim 1 is more than a mere combination of the references which is all that can be expected of those possessing ordinary skill.

Further, with regard to Claim 2, one attempting to provide a media storage device for use in a hanging filing cabinet would not use the lever system of Brown since those levers would not be

readily accessible or would be unduly bulky when the rack was suspended in the cabinet. Therefore, the combination of Brown with Levine does not result in the invention as claimed, nor would there be an advantage to making the combination since the lever system would be inferior in a hanging rack.

With regard to the rejection of Claim 11 citing Berkman (US Patent No. 3,889,817) in further view of Brown, there is nothing to teach the combination of Berkman and Brown since the media boxes of Berkman extend well beyond the periphery of the container device, therefore making it unnecessary to have a pop-up (or pop-out in this case) toggling mechanism. Further, as mentioned above, using the pop-up mechanism of Brown in the rack of Berkman would create an unduly bulky rack where levers would interfere with the adjacent stacks of slots. Therefore, those skilled in the art would not look to Brown to so adapt Berkman.

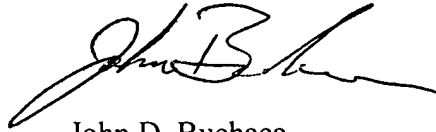
Mechanical inventions, by their nature are made up of discrete, often previously known mechanical features. Hence, in hindsight, one can usually micro-combine references to arrive at nearly any mechanical structure. However, often times it requires inventive insight to conceive of the new combination of those features in the first place to result in a far superior structure. This structure should therefore be no less deserving of patent protection.

Although media storage racks have existed for decades and the ordinary practitioner would have a skill developed through a long history of innovations, some innovations must clearly rise above this level of skill. Innovations which significantly further the long-felt need for storage in a convenient, but hidden place such a filing cabinet, without being unduly bulky to take up too much room in the cabinet clearly exhibit the necessary increased quanta of skill.

In light of the foregoing arguments, the Applicant respectfully requests early allowance of

the pending claims.

Respectfully submitted,



John D. Buchaca
Registration No. 37,289

1545 Hotel Circle South, Suite 150
San Diego, California 92108-3426
Telephone: (619) 294-2922
Fax No. (619) 294-8674

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Signature:  Date: 10-31-2005